

1 BILL NO. S-83-11- //

2 SPECIAL ORDINANCE NO. S- 234-83

3 AN ORDINANCE approving Contract
4 for the purchase of land by the
Board of Aviation Commissioners.

5 NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF
6 THE CITY OF FORT WAYNE, INDIANA:

7 SECTION 1. That the following land purchase Contract
8 was entered into between the Board of Aviation Commissioners and
9 the owner, James S. Jackson, for the purchase of 8.60 acres of
10 land and a house for the widening of Dalman and Smith Roads for
11 the relocation of Indianapolis Road under Federal Aviation Admin-
12 istration AIP Project #3-18-0022-02:

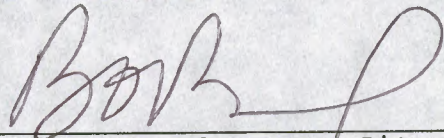
13 Contract with James S. Jackson for
14 8.60 acres, accepted October 18, 1983 \$75,000.00

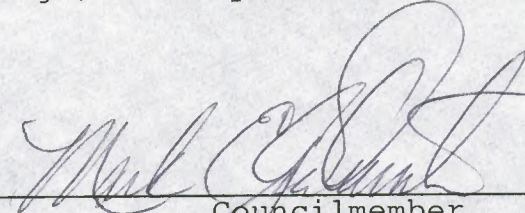
15 which Contract is on file in the Office of the Board of Aviation
16 Commissioners and is by reference incorporated herein, made a part
17 hereof and is in all things ratified, confirmed and approved. Two
18 (2) copies of said Contract are also on file in the Office of the
19 City Clerk and are available for public inspection.

20 SECTION 2. Funds for the purchase of the property were
21 appropriated by City Council Ordinance #A-06-03, adopted March 22,
22 1983.

23 SECTION 3. That this Ordinance shall be in full force
24 and effect from and after its passage, and any and all necessary
25 approval by the Mayor.

26
27
28 APPROVED AS TO FORM
29 AND LEGALITY

30 
31 Bruce O. Boxberger, City Attorney
32


Councilmember

Read the first time in full and on motion by GiaQuinta, seconded by Stu, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ day of _____, at _____ o'clock _____ .M., E.S.T.

DATE: 11-22-83

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Stu, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-13-83

Sandra E. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. 1-234-83 on the 13th day of December, 1983.

ATTEST:
Sandra E. Kennedy
CITY CLERK

(SEAL)
Ray - A. E. Cox
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of December, 1983, at the hour of 1:00 o'clock P. .M., E.S.T.

Sandra E. Kennedy
CITY CLERK

Approved and signed by me this 15th day of December 1983, at the hour of 3 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

UNIFORM LAND ACQUISITION OFFER

TO: Mr. James S. Jackson
120 Harvest Road
Bluffton, Indiana 46714

The Board of Aviation Commissioners of the City of Fort Wayne, Indiana, (hereinafter called "the Board") is authorized by law to obtain your land for certain public purposes.

The Board needs a strip of your land, which is located Northwest of the Northwest corner of Baer Field, the Fort Wayne Municipal Airport, in order to re-route the Indianapolis Road over Dalman and Smith Roads, in order to extend the Northwest Runway #31 and taxiway at the Airport, which strip is described as follows:

8.60 acres in the Northwest Quarter of Section 5, Township 29 North, Range 12 East, including the house located thereon and located at the Southeast corner of Dalman and Smith Roads in Allen County, Indiana, as set forth on the attached legal description marked Exhibit "A".

It is our opinion that the fair market value of said property we want to acquire from you is \$ 75,000.00.

The Board offers you said amount for the above described property, computed free and clear of all liens, real estate taxes to be prorated to date of closing.

You have thirty (30) days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the deed, and provided there are no difficulties in clearing liens or other problems with title to the land. Possession will be required at the time you receive your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, the Board of Aviation Commissioners of the City of Fort Wayne, Indiana, is required to make a good faith effort to purchase your property.
2. You do not have to accept this offer.
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of your land, the Board has the right to file suit to

condemn and appropriate the land in the county in which the real estate is located.

4. You have the right to seek advice of an attorney, real estate appraiser or any other person of your choice on this matter.

5. You may object to the public purpose and necessity of this project.

6. If this Board files a suit to condemn and appropriate your land and the court grants its request to condemn, the court will then appoint three (3) appraisers who will make an independent appraisal of the land to be appropriated.

7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the land condemned.

8. If the court appraisers' report is not accepted by either of us, then this Board has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, this Board is legally entitled to immediate possession of the land. You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceeds of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.

9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the land. The court's decision may be more or less than this offer. You may employ, at your expense, appraisers and attorneys to represent you at this time or any time during the course of the proceedings described in this offer.

10. If you have any questions concerning this matter, you may contact us at: Board of Aviation Commissioners, Terminal Building, Baer Field, Fort Wayne, Indiana 46809, or our attorney, John E. Hoffman at 1212 Anthony Wayne Bank Building, Fort Wayne, Indiana 46802, phone (219) 423-3331.

This offer is made to the owner of the above property this 28th day of
September , 1983 .

FORT WAYNE BOARD OF AVIATION COMMISSIONERS

BY Raymond L. Hoverman
(Raymond L. Hoverman) its Manager

Agent of: Board of Aviation Commissioners of the City of Fort Wayne, Indiana,
per order of the Board adopted September 21, 1983.

If you decide to accept the offer of \$ 75,000.00
made by the Fort Wayne Board of Aviation Commissioners, sign your name below
and mail this form to the address indicated above. An additional copy of this offer
has been provided for your file.

ACCEPTANCE OF OFFER

The undersigned, owner of the above described property or interest in said
property, hereby accepts the above offer of \$ 75,000.00
made by the Fort Wayne Board of Aviation Commissioners on this 18th day of
OCTOBER , 19 83 .

x James S. Jackson
(James S. Jackson)

A parcel of land located in the fractional Northwest One-Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows: BEGINNING at the Northwest corner of the fractional Northwest One-Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana; thence S $89^{\circ}-45'$ E (bearings for this description are based on AIP Proj. No. 3-18-0022-02, Line "C", Sta. 82+42.64 to Sta. 108+82.76) along the North line of said fractional Northwest One-Quarter a distance of 1703.40 feet; thence S $0^{\circ}-24'$ E a distance of 60.0 feet to a point on the new right-of-way line of said project; thence N $89^{\circ}-45'$ W, parallel with the North line of said fractional Northwest One-Quarter and along said new right-of-way line a distance of 838.61 feet; thence continuing along said new right-of-way line S $86^{\circ}-14'-38''$ W a distance of 107.59 feet; thence continuing along said new right-of-way line S $75^{\circ}-20'06''$ W a distance of 185.09 feet; thence continuing along said right-of-way S $61^{\circ}-31'-43''$ W a distance of 185.09 feet; thence continuing along said right-of-way S $47^{\circ}-43'-23''$ W a distance of 185.09 feet; thence continuing along said right-of-way S $33^{\circ}-55'$ W a distance of 185.09 feet; thence continuing along said right-of-way S $20^{\circ}-06'-38''$ W a distance of 185.09 feet; thence continuing along said right-of-way S $6^{\circ}-24'-13''$ W a distance of 182.44 feet to a point situated 86.0 feet East of and normal to the West line of said fractional Northwest One-Quarter; thence continuing along said right-of-way S $0^{\circ}-24'$ E parallel with the West line of said fractional Northwest One-Quarter a distance of 202 feet; thence continuing along said right-of-way S $5^{\circ}-27'-09''$ W a distance of 402.10 feet to a point situated 45.0 feet East of and normal to the West line of said fractional Northwest One-Quarter; thence continuing along said right-of-way S $0^{\circ}-24'$ E, parallel with the West line of said fractional Northwest One-Quarter a distance of 597.41 feet to the South line of said fractional Northwest One-Quarter; thence N $89^{\circ}-21'-30''$ W along the South line of said fractional Northwest One-Quarter a distance of 45.01 feet to the Southwest corner of said fractional Northwest One-Quarter; thence N $0^{\circ}-24'$ W along the West line of said fractional Northwest One-Quarter a distance of 2039.23 feet to the point of BEGINNING, containing 8.60 gross acres of land (6.66 net acres).

BILL NO. S-83-11-11

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE approving Contract for the purchase of land by the
Board of Aviation Commissioners

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. Giaquinta

JAMES S. STIER, VICE CHAIRMAN

James S. Stier

JANET G. BRADBURY

Janet G. Bradbury

SAMUEL J. TALARICO

Samuel J. Talarico

DONALD J. SCHMIDT

Donald J. Schmidt

*Car carried
12-13-83*

BILL # S-83-11-

DIGEST SHEET

S-83-11-11

TITLE OF ORDINANCE: An ordinance approving contract for purchase of land for relocation of Indianapolis Road.

DEPARTMENT REQUESTING ORDINANCE: Board of Aviation Commissioners

SYNOPSIS OF ORDINANCE: Approval of contract by Board of Aviation for purchase of 8.60 acres of land and house from James S. Jackson for \$75,000.00 for widening Dalman and Smith Roads, for relocation of Indianapolis Road, financed 90% by Federal Aviation Administration under AIP PROJECT #3-18-0022-02.
Purchase price determined by appraisals.

Funds for purchase appropriated by City Council Ordinance #A-06-03 adopted March 22, 1983.

Relocation of Indianapolis Road necessary for vacation of parts of existing road for extension of airport Northwest runway.

EFFECT OF PASSAGE: Purchase of land needed for relocation of Indianapolis Road and extension of Northwest runway at Baer Field.

EFFECT OF NON-PASSAGE: None of the above

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): _____

Total contract \$75,000.00, 90% federally funded and approximately 5% state funded.

ASSIGNED TO COMMITTEE: Committee on Finance.